

Reclamation Manual

Reclamation Acquisition Regulation System

401 DM Addition to FAR & DIAR

PART WBR 1453 -- FORMS

WBR 1453.303-1415-2

WBR 1453.303-1415-2 (WBR 1415.807 and WBR 1415.808)

PRICE NEGOTIATION MEMORANDUM

SOURCE SELECTION INFORMATION (SEE FAR 3.104)

The format has been developed to ensure uniform compliance with the requirements of FAR 15.807, 15.808, and DIAR 1415.808-70(c). If information required by this format is contained in another separate document, its file list location shall be identified in the applicable parenthesis; otherwise, the information required shall be inserted directly in the space provided.

SECTION I -- PRENEGOTIATION PLAN

(1) Background Information:

- (a) Request For Proposals (RFP) Title and Number;
Contract number and modification number;
- (b) Offeror's/contractor's name and address;
- (c) Description and/or purpose of the acquisition;
- (d) Authority for funding;
- (e) Type of contract if other than firm fixed price (FAR 16.103(d)); DIAR 1415.808-70(c)(2)) (see #); and
- (f) Name and title of chief negotiator and members of negotiation team.

<u>Name</u>	<u>Title</u>	<u>Organization</u>	<u>Role</u>
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(2) **Prior Acquisition History** (DIAR 1415.808-70(c)(3)): [Individual Acquisition Plan and/or DI-1886 may be referenced here if it contains the required information] (see #);

- (a) Names of previous contractors if previous awards made for same or similar work;
- (b) Previous contract numbers/dates.

(3) **Competition/Solicitation Data** (DIAR 1415.808-70(c)(3)):

- ☐ Acquisition screening and review form (DIAR 1419.202-70; DI-1886) (see #);
- ☐ Justification for use of competitive proposals (FAR 6.401; DIAR 1415.808-70(c)(1)) (see #);
- ☐ Full and open competition;
- ☐ Full and open competition after exclusion of sources;
 - ☐ Small business set-aside; and
 - ☐ Section 8(a);
- ☐ Other than full and open competition;
 - ☐ "Changes" clause;
 - ☐ Approved "Justification for Undefined Modification" (see #);

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- ☐ Approved "Justification for Other Than Full and Open Competition" (see #); and
- ☐ Other authority;
- ☐ Information other than cost or pricing data (FAR 15.804-5);
- ☐ Cost or pricing data;

- ☐ Pricing action is less than \$500,000;
- ☐ Data not requested;
- ☐ Data requested pursuant to FAR 15.804-2(a)(2): Discuss basis for requiring submission;

- ☐ Pricing Action Exceeds \$500,000;
 - ☐ Data requested to be submitted as required by FAR 15.804-2(a)(1);
 - ☐ Data requested to be submitted but not used.
 - ☐ Data not requested pursuant to FAR 15.804-1
- ☐ Results of competition;
 - a. Number of firms solicited;
 - b. Number of proposals received;
 - c. ☐ Late proposals received/disposition (see #);
 - d. ☐ Award on the basis of initial proposal without discussion documented (see #); and
 - e. ☐ Offerors in the competitive range (see #).

(4) Technical Advisory Reports Received (Titles and Dates) (DIAR 1415.808-70(c)(4):

- ☒ TPEC initial report or technical evaluation report required by FAR 15.608(a)(2) (see #);
- ☐ Technical analysis report, if requested (FAR 15.805-4, DIAR 1415.808-70(c)(6)) (see #);

(Summarize technical issues or questions to be discussed, additional data needed, negotiation strategy indicated to be used).

(5) Pricing and Other Advisory Reports (Title and Dates):

- ☒ Price analysis (FAR 15.805-3, DIAR 1415.808-70(c)(5)) (see #);
- ☐ Cost analysis (FAR 15.805-2, DIAR 1415.808-70(c)(6)) (see #);
- ☐ DI-1920, if required by DIAR 1415.902 (see #);
- ☐ Field pricing report (see #);
- ☐ Actions taken in response to significant audit findings (DIAR 1415.808-70(c)(7)) (see #);
- ☐ Final decision on unresolved audit recommendation under DIAR 1415.808(c)(7) (see #);

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- ☐ Waiver of field pricing report (DIAR 1415.808(c)(7)) (see #);
- ☐ Preaward survey report (see #);
- ☐ Cost proposal rate verification information (see #); and
- ☐ Office of the Solicitor legal sufficiency review (see #).

(6) Prenegotiation Objectives:

(a) Offeror's/contractor's proposed cost elements, adjustments recommended by items 4 and 5 above, and Reclamation's objectives *[the following is a suggested format for column headings; it may be adjusted to conform to the format for the pricing proposal as specified in the provision at WBR 1452.215-83 or 1415.215-84]*:

<u>Cost</u> <u>Element</u>	<u>Govt.</u> <u>Est.</u>	<u>Proposed</u> <u>Amount</u>	<u>Recommended</u> <u>Adjustments</u>	<u>Objective Amount</u> <u>Minimum</u> <u>Maximum</u>	<u>Comment</u> <u>Number</u>
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(b) By comment number, discuss the basis for calculating the objective amounts for each cost element, including the disposition made of each advisory report recommendation including explanations of any significant variances from the recommended or estimated amounts and the objective amounts.

Comment NumberDiscussion**(7) Other Issues and Factors:**

(a) Discuss any special terms or conditions proposed by the offeror/contractor and disposition;

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(b) Identify any deviations to regulations, clauses, or provisions proposed by the offeror/contractor and its proposed disposition;

(c) Discuss the current status of the offeror's/contractor's purchasing system when material is a significant cost element of the negotiation;

(d) Discuss the current status of the offeror's/contractor's estimating, accounting, or other systems, to the extent to which they will be a factor during negotiations;

(e) Discuss the use of any Government-Furnished Property or Facilities;

(f) Discuss any unique features of the acquisition (e.g., cost sharing, incremental funding, facility ownership, incentives, options); and

(g) List other issues to be discussed with the offeror/contractor during negotiations.

PRENEGOTIATION PLAN PREPARED BY:

_____	_____	_____
Name	Title	Date

PRENEGOTIATION PLAN REVIEWED BY (Form 7-2115 (see #)):

_____	_____	_____
Name	Title	Date

PRENEGOTIATION PLAN APPROVED BY:

_____	_____	_____
Name	Title	Date

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SECTION II -- PRICE NEGOTIATION SUMMARY**(1) Name, Title and Organization of Each Person Attending Negotiations:**

[Individuals listed in Section I (1)(d) need not be relisted];

(2) Date and Location of Negotiations:**(3) Negotiations:**

(a) Offeror's/contractor's proposed cost elements, Reclamation's objectives, negotiated amounts:

Cost	Govt.	Proposal	Objective/Amount		Negotiated	Comment
<u>Element</u>	<u>Est.</u>	<u>Amount</u>	<u>Minimum</u>	<u>Maximum</u>	<u>Amount</u>	<u>Number</u>

(b) By comment number, discuss the basis for the negotiated amount for each cost element including explanations of any significant variances from the objective amounts:

Comment NumberDiscussion

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(4) Cost or Pricing Data:

- (a) Discuss the extent to which certified cost or pricing data were relied on and used in negotiations;
- (b) Identify any submitted cost or pricing data recognized as inaccurate, incomplete, or not current; resulting action taken by the contracting officer and the offeror/contractor; and the effect the defective data had on the negotiations;
- (c) Discuss the basis for exempting or waiving certification of cost or pricing data submitted (see FAR 15.804-4(e)); and
- (d) Certificate of Current Cost or Pricing Data (see #)
Date Signed.

(5) Best and Final Offer:

(Include date requested, received and discuss contents);

(6) Technical Advisory Reports Received (Titles and Dates):

- ☐ TPEC final report (see #);
- ☐ Technical analysis report (see #);

(Summarize the results of technical issues or questions discussed, analysis of any additional data requested, and any issues raised during negotiations that were not addressed in Section I).

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(7) Cost or Price Evaluation:

(Discuss the reasonableness of price/costs contained in the best and final offer, the probable costs to the Government, the offeror's understanding of the work and the ability to perform the contract as displayed in its best and final offer, and any remaining weaknesses).

(8) Source Selection Recommendation:

(Discuss whether the best and final offer is the offer most advantageous to the Government, including the basis for the conclusion).

PRICE NEGOTIATION SUMMARY PREPARED BY:

Name Title Date

PRICE NEGOTIATION SUMMARY APPROVED BY (DIAR 1415.808(d)):

Name Title Date

BUREAU OF RECLAMATION

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